

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

August 13, 2008

6:30 – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

August 13, 2008

6:30 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8
Property: 15061 Moran Street, Westminster
Agency Negotiator: Ray Silver, Executive Director and Tami Piscotty, Assistant to the City Manager
Under Negotiation: Price and Terms of Payment

RECESS:

AGENDA

August 13, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Ta

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

A. [Recognition of former Traffic and Cultural Arts Commissioner, Reginald Crozier](#)

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

August 13, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of July 9, 2008; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of July 23, 2008; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of July 28, 2008.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Renewal of license agreements for Geographic Information System (GIS) services.** (James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve CityGIS Service Subscription and Sublicense Agreement LB080607CG in the amount of \$34,000.00 with Digital Map Products, Inc. (DMP) for a term ending June 30, 2009, and authorize the City Manager to execute the agreement on behalf of the City; and
- 2) Approve Sublicense Agreement LB080607D with Digital Map Products, Inc. (DMP) in the amount of \$14,387.80 renewing GIS Services to June 30, 2009, and authorize the City Manager to execute the agreement on behalf of the City.

- 1.3 **(City/Agency) Purchase Order for Property Tax Audit Services for Fiscal Year 2008-09.** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and the City Council/Agency Board authorize a purchase order with Hinderliter, deLlamas & Associates, Coren & Cone (HdLCC) in the amount of \$22,600 for property tax audit services.

AGENDA

August 13, 2008

1. CONSENT CALENDAR (Continued)

1.4 (City/Agency) Purchase Order for Sales Tax Audit Services for Fiscal Year 2008-09. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and the City Council/Agency Board authorize a purchase order with Hinderliter, deLlamas & Associates (HdL) in the amount of \$20,000 for sales tax audit services.

1.5 Purchase Order for Trustee Services for Fiscal Year 2008-09. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for trustee services from Union Bank of California – Corporate Trust Division in an amount not to exceed \$30,000.

1.6 (City/Agency) Consulting Services Agreement for Affordable Housing Implementation with Rosenow Spevacek Group, Inc. (RSG). (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor and City Council/Agency Board approve the renewal of Consulting Services Agreement with Rosenow Spevacek Group, Inc. for FY 2008-09; and authorize the City Manager/Executive Director to execute the Agreement on behalf of the City and Agency.

1.7 Award of a Renewable Contract/Agreement for Incident Response Services. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a contract/agreement in the amount of \$40,000.00 to Ocean Blue Environmental Services, Inc. to perform incident response services, and authorize the City Manager to execute the agreement on behalf of the City.

1.8 Second Option Year Renewal for Used Sedans, Trucks and Van Purchases for FY 2008-09. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for used sedans, trucks and van purchases in the amount of \$300,000.00 to Ray's Auto Sales Inc.

1.9 Purchase Order for Legal Services for Fiscal Year 2008-09. (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to the law firm of Ferguson, Praet & Sherman in an amount not to exceed \$50,000 for legal services related to liability claims against the City.

AGENDA

August 13, 2008

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

1.10 Resolution No. 4172 – Conflict of Interest Code Amendments. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4172 entitled, “A Resolution of the Mayor and City Council of the City of Westminster amending the Conflict of Interest Code for the City of Westminster for Designated Employees and Officials”.

WARRANT REGISTER

1.11 (City Council/Redevelopment Agency) Warrant Register dated July 16 through August 5, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.12 Minutes of the Traffic Commission meeting held on May 27, 2008. (Marwan Youssef)

RECOMMENDATION: Receive and file.

1.13 Treasurer’s Report – June 2008. (Paul Espinoza)

RECOMMENDATION: Receive and file.

1.14 Minutes of the Planning Commission meeting held July 2, 2008. (Soroosh Rahbari)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on August 6, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of August 6, 2008.

- 1) Case No. 2008-02 a Conditional Use Permit and Variance to amend the conditions of an existing conditional use permit to extend the hours of operation for live entertainment to 11pm and closing time to 12am for a banquet facility at 9741 and 9743 Bolsa Avenue.
- 2) Case No. 2008-32 a Conditional Use Permit involves extending hours of live entertainment to weekdays and weekends at 15583-15589 Brookhurst Street.

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

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4.1 CASE NO. 2008-03 - APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A MESSAGE ESTABLISHMENT AND A REQUEST FOR A WAIVER FROM WESTMINSTER MUNICIPAL CODE SECTION 5.32.350 REQUIRING A MESSAGE ESTABLISHMENT TO BE LOCATED A MINIMUM DISTANCE OF 250' FROM RESIDENTIALLY ZONED PROPERTY AT 14600 GOLDENWEST STREET, #102; APPLICANT: ANNIE NGUYEN; PROPERTY OWNER: RECO CONSTRUCTION INC. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4159 entitled: "A Resolution of the Mayor and City Council of the City of Westminster denying a Conditional Use Permit for a massage establishment and a request to allow the massage establishment to be located within 250' of residentially zoned property, located at 14600 Goldenwest Street, #102 (Assessor's Parcel Numbers: 096-182-03) (Case No. 2008-03)."

4.2 CASE 2008-25 (CONDITIONAL USE PERMIT) - AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY CASE NO. 2008-25, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A BILLIARD CENTER IN THE C-1 LOCAL BUSINESS DISTRICTZONE AT 6328 WESTMINSTER BOULEVARD; APPLICANT/APPELLANT: JOE AND JANICE NGUYEN/INTERNATIONAL BILLIARDS; PROPERTY OWNER: HANG TAM NGUYEN. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4171 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding an appeal of the Planning Commission's denial of Case No. 2008-25 thereby approving a conditional use permit for a billiard center, located at 6328 Westminster Boulevard.

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4. PUBLIC HEARINGS (Continued)

4.3 TIME SET FOR A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY OR WELFARE REQUIRES THE RE-ESTABLISHMENT OF LIMITS OF THE UNDERGROUND UTILITY DISTRICT NO. 6 WITHIN THE BOLSA CORRIDOR AND RESCINDING RESOLUTION NO. 3818 PURSUANT TO THE MUNICIPAL CODE. (Jeff Howell)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4160 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing the limits of the Underground Utility District No. 6 within the Bolsa Corridor and rescinding Resolution No. 3818".

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 Facility Use Fee Waiver Request from Tony Cao on behalf of the Doan Thi Diem Student Association and the Can Tho Association for use of the East/West Room of the Community Services Building on Sunday, August 24, 2008 from 11:00 a.m. to 5:00 p.m. for a special meeting. (Mayor Pro Tem Quach)

RECOMMENDATION: Staff recommends that the Mayor and City Council take the subject fee waiver request under consideration.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for City-Wide Street Improvements Project No. Overlay 08-09. (Jeff Howell)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the low qualified and responsive bidder, All American Asphalt, in the amount of \$1,380,674.00; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 (City/Agency) Increase to Purchase Order for Special Counsel for Municipal and Redevelopment Legal Services. (Soroosh Rahbari)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board:

- 1) Approve a budget transfer in the amount of \$11,930.48 from the fiscal year 2007-08 Redevelopment Operating Fund Contingency Account to the Redevelopment Administration Account; and
- 2) Authorize an increase to the purchase order with Best Best & Krieger in the amount of \$11,930.48 for legal services provided to the City and Agency.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS

8.1 Case No. 2008-20 - Review of a Resolution Memorializing the City Council's Decision to Overturn the Planning Commission's Approval of a Variance from the Minimum Number of Required Parking Spaces for a New Eating Establishment with Patron Seating in an Existing Retail Shopping Center and Approve an Alternative Variance from the Minimum Required Dimensions for a Standard-Size Parking Space. Location: 9060-9122 Bolsa Avenue (Assessor's Parcel No. 143-601-05); Applicant: Hoa Binh Plaza, LLC, property owner of record. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4171 entitled "A Resolution of the Mayor and City Council of the City of Westminster overturning the Planning Commission's decision to approve Case No. 2008-20 pertaining to a variance from the minimum number of required parking spaces for a new eating establishment with patron seating in an existing retail shopping center located at 9060-9122 Bolsa Avenue and approving a variance from the minimum required dimensions for a standard-size parking space."

9. COMMISSION AND COMMITTEE ITEMS

9.1 Youth Committee Appointments. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Appoint six (6) current Youth Committee Members (listed on page 2 of the staff report) to serve as regular members for a term to expire on June 30, 2009; and
- 2) Select two Council Members to participate in an interview process of the seven (7) new applicants (listed on page 2 of the staff report).

AGENDA

August 13, 2008

9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.2 Appointment to the Advisory Committee for the Disabled. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a member to serve on the Advisory Committee for the Disabled for a term ending November, 2008.

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary